

A Regular Meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the fifth day of March 2003, at 7:30P.M, and there were present:

**PRESENT:**

Stanley J. Keysa, Chairman  
Rebecca Anderson, Member  
John P. Gober, Member  
Lawrence Korzeniewski, Member  
Michael Myszka, Member  
Melvin Szymanski, Member

**ABSENT:**

Steven Socha, Member

**ALSO PRESENT:**

**Town Board Members:**

Donna G. Stempniak

**Other Elected Officials:**

None

**Town Staff:**

Robert Labenski, Town Engineer  
Jeffrey H. Simme, Building & Zoning Inspector  
Richard J. Sherwood, Town Attorney  
Mary Nowak, Recording Secretary

Meeting called to order by Chair Keysa at 7:32 PM. Motion was made by Rebecca Anderson to approve the Planning Board Minutes from the February 5, 2003. Motion was seconded by John Gober and unanimously carried.

#### COMMUNICATIONS:

- 3-5-1 Letter dated February 5, 2003 from Michael A. Schuler, Assistant Fire Chief of Bowmansville Volunteer Fire Association, expressing concerns regarding proposed building in Bella Vista Complex at 6495 Transit Road.
- 3-5-2 Letter dated February 6, 2003 from Town Attorney Richard Sherwood to MRC transmitting a "Fining of No Significant Impact" prepared by the FAA regarding the Buffalo-Lancaster Airport at 4343 Walden Avenue.
- 3-5-3 Copy of letter dated February 8, 2003 from Jeremy Colby of 9 Broadmoor Court expressing to Councilwoman Stempniak concerns with handling of Pleasant Meadows project review.
- 3-5-4 Memo dated February 10, 2003 from Building Inspector Jeff Simme to PB transmitting application for site plan approval for new fire station of Bowmansville Volunteer Fire Association on Seitz Avenue.
- 3-5-5 Memo dated February 10, 2003 from Building Inspector to PB reminding that there would be no meeting on February 19, 2003.
- 3-5-6 Minutes of special TB meeting held February 10, 2003 at which MRC conducted SEQR review of Cricket cell tower co-location, voting to issue a negative declaration.
- 3-5-7 Copy of letter dated February 10, 2003 from Steven Doleski of NYSDEC to Town Attorney detailing issues needing further clarification in the DEIS submitted for Pleasant Meadows project.
- 3-5-8 Memo dated February 12, 2003 from Building Inspector to various transmitting an updated list of street and subdivision names in the Town.
- 3-5-9 Copy of letter dated February 12, 2003 from Town Clerk to Bella Vista Group transmitting resolutions adopted by TB rescinding site plan approval of May 6, 2002 and granting new site plan approval, with conditions, for retail shopping complex at NEC Transit/William.
- 3-5-10 Copy of letter dated February 12, 2003 from Town Clerk to Brett Morgan of Cricket Communications transmitting TB resolution approving co-location on the cell tower at 69 Cemetery Road.

- 3-5-11 Copy of minutes of ZBA meeting held January 23, 2003 at which ZBA considered petition of Bella Vista Group, Inc. for 6 variances at NWC Transit/William, including: reduction in length of parking spaces from 20ft to 18 ft (approved); reduction in number of off-street loading docks from 6 to 3 (approved); increase in height of pole sign from 25 feet to 30 feet (denied); for permission to not completely enclose the seasonal outdoor sales (approved); for increase in height of lighting fixtures from 15 feet to 32 feet (approved); and for reduction in interior space in parking lot devoted to landscaping from 5% to 1% (approved).
- 3-5-12 Memo dated February 18, 2003 from General Crew Chief indicating lack of issues with landscape plan proposed for Seitz Avenue substation of Bowmansville Volunteer Fire Association.
- 3-5-13 Memo dated February 18, 2003 from Building Inspector to PB transmitting application for site plan review for new building for Try-It Distributing Company at 4155 Walden Avenue (project # 2059).
- 3-5-14 Memo dated February 18, 2003 from Building Inspector to PB transmitting application for preliminary plat plan review for Cross Creek Subdivision, project #9507, 264 lots single family dwellings at NWC Pleasant View Drive & Pavement Road.
- 3-5-15 Memo dated February 18, 2003 from Building Inspector to PB transmitting application for subdivision sketch plan review for Pleasant Heights Subdivision, project #3358, 8 single family dwellings SWC Pleasant View Drive & Forton Drive.
- 3-5-16 Memo dated February 20, 2003 from Building Inspector to PB transmitting application for preliminary plat plan review for Summerfield Farms Phase 3, project No. 8008, 65 lots single family dwellings NE of Summerfield Farms.
- 3-5-17 Letter dated February 21, 2003 from Town Attorney transmitting letter from NYSDOT finding that additional square footage at NEC Transit/William will have no significant impact to traffic on the state highway system.
- 3-5-18 Copy of letter dated February 21, 2003 from Joseph M. Floss, Chair of Town of Clarence Planning Board to members of the NYS legislative delegation regarding the negative impact of restrictions in GML 805-a on the qualifications of individuals who can serve on municipal boards.
- 3-5-19 Copy of Winter 2003 issue of Quality Communities News published by the NYS Department of State.

- 3-5-20 Copy of letter dated February 25, 2003 from Town Attorney to attorney Jeffery Palumbo and William Tuyn of Pratt & Huth advising that the Town will require a supplemental DEIS, and that the Town will seek an independent review thereof at the expense of the developer. Re: Pleasant Meadows.
- 3-5-21 Memo dated February 26, 2003 from General Crew Chief indicating that no landscaping plan was included for the Try-It Distribution Company project; that the Town Forestry Department requests access to the retention pond in Cross Creek Subdivision; and that it has no issues with Summerfield Farms Phase 3.
- 3-5-22 Letter dated February 26, 2003 from Town Attorney to MRC reminding members to let him know if there are any concerns with the completeness of the FGEIS for the Town of Lancaster Comprehensive Plan.
- 3-5-23 Copy of letter dated February 26, 2003 from Town Clerk to Michael Wallace, Administrative VP of M&T Trust Co., transmitting a legal notice of a public hearing on the application to rezone portions of the Pleasant Meadows Subdivision.
- 3-5-24 Memo dated March 4, 2003 from Town Clerk to various reminding of need to file annual financial disclosure statement by April 30, 2003.
- 3-5-25 Memo dated March 4, 2003 from Building Inspector to Chair transmitting one set of public improvement plans for Cross Creek Subdivision., and inviting Town Engineer, Supervisor and Town Clerk to submit comments to Chair.
- 3-5-26 Resolution adopted by TB February 10, 2003 adopting revised standards for construction of cul-de-sacs in town highways.

## ACTION ITEMS

SITE PLAN REVIEW/BOWMANSVILLE FIRE STATION, SEITZ AVENUE, PROJECT NO. 1197, PROPOSED 7,400 SQ. FT. FIRE STATION. CONTACT PERSON MARK DEAN.

Mark Dean, Principal, Dean-Sutton Architects presented to the Planning Board the site plan for the proposed 7,400 sq. ft. fire station to replace the existing 3,000 sq. ft. fire station. The new building will be adjacent to and east of the existing building. Upon completion of the new fire station, the existing fire station will be demolished and replaced with a parking area. The new fire station will be further away from the residential area and will not have a siren. Mr. Dean told the Planning Board that the remainder of the parcel will be cleared, with the exception of the large trees. It will be graded and seeded to create a park-like setting. Drainage - Mr. Dean explained that the existing swale will be brought around the entire building to collect any run-off water. However, the drainage issues are still being worked out with the Town Engineer.

## DETERMINATION

Based on the information provided to the Planning Board, Lawrence Korzeniewski made a motion to recommend approval of the site plan to the Town Board with the condition that the drainage plan is subject to the approval of Town Engineer Robert Labenski. Motion was seconded by Michael Myszka and unanimously carried.

## SKETCH PLAN REVIEW-CROSS CREEK SUBDIVISION, PROJECT NO.9507, PLEASANT VIEW DRIVE AND PAVEMENT ROAD, 264 LOTS FOR SINGLE-FAMILY DWELLINGS. CONTACT PERSON WILLIAM TUYN.

William Tuyn, Planner, Pratt & Huth and Elliot Lasky, Forbes Homes presented to the Planning Board the sketch plan for the proposed 264- lot subdivision for single-family homes. This will be a 6 or 7 phase project. Projection for full build-out is 8 to 9 years after groundbreaking. Mr. Tuyn told the Planning Board that this plan is consistent with the previous plan with the exception that the number of cul-de-sacs has been reduced from 5 to 2. Also, the entrance island at the Pleasant View Drive entry will be removed. Chair Keysa referred to communication 3-5-21 from Crew Chief Terrence McCracken requesting access to the retention ponds. Mr. Tuyn told the Planning Board that there is an updated plan showing these easements. Chair Keysa told Mr. Tuyn that the updated plan showing the 6 easements must be provided to the Planning Board. There was some discussion regarding the lots extending into the wetlands and whether there should be a conservation easement along the stream corridor. Chair Keysa stated that there is less probability of homeowners encroaching on town owned property. Mr. Tuyn and Mr. Lasky stated that this can become a privacy issue for prospective home buyers. Councilmember Stempniak stated that she will need to discuss this issue with the other Town Board Members to decide policy on stream corridor ownership. The Planning Board asked that lots 172 and 173 be marked as a federally protected jurisdictional area since they are wooded lots. Also, all the homes on Pleasant View Dr. and Pavement Road must have turnarounds in the driveways. Drainage - Mr. Tuyn explained that the two detention basins near Ellicott Creek have been removed from the previous plan. After some discussion it was decided that this situation will need to be resolved with the New York State Dept. of Conservation as to whether detention basins or some other storm water management device will be required. Chair Keysa asked Town Engineer Robert Labenski to represent the Town with NYSDEC on this matter. The Planning Board would like this project to come back before them one more time.

## DETERMINATION

Based on the information provided to the Planning Board, Michael Myszka made a motion to recommend conditional approval of the sketch plan to the Town Board with the following conditions: 1. Provide a sketch plan showing date of 03/04/03. 2. Plan must show access to detention basins. 3. Remove entrance island at Pleasant View Drive entry. 4. Concerns over lots extending into wetlands and streams: boundaries need to be delineated, conservation easement along stream corridors. 5. All homes on Pleasant View Drive and Pavement Road must have a turnarounds in driveways. 6. Need to resolve with New York State Dept. of Conservation whether detention basins will be required or some other storm water management device. 7. Plan to be returned to Planning Board before final submission to Town Board. Motion seconded by Melvin Szymanski and unanimously carried.

**PRELIMINARY PLAT REVIEW - SUMMERFIELD FARMS SUBDIVISION PHASE III, PROJECT NO. 8008, WILLIAM STREET, 65 LOTS FOR SINGLE-FAMILY DWELLINGS. CONTACT PERSON WILLIAM TUYN.**

William Tuyn, Planner, Pratt & Huth presented to the Planning Board the preliminary plat review for the proposed 65-lot subdivision for single-family homes on 36 acres of the 233-acre parcel. The plan shows 1 cul-de-sac in this phase. Mr. Tuyn explained that the water lines for this project will be looped and that no water pressure problems are anticipated since the new pumping station will help this entire area. The plan also shows two retention ponds for this phase. The Planning Board had concerns with lots 1,2,38,39, 63, 64, & 65, and asked that the boundary lines on these lots be readdressed. It was suggested that the encumbered portions of these lots be set aside and deeded to the Town. Regarding the lots that back up to wetlands and floodplains, the Planning Board asked that these lots be staked at the lot lines with markers. Pratt & Huth will suggest a suitable marker. Mr. Tuyn told the Planning Board that Henslow's Sparrows have been sighted on the property north of this parcel. After some discussion regarding where the sparrows will return to nest, it was decided that further information from New York State Dept. of Conservation and the developer will be needed to mitigate this situation.

**DETERMINATION**

Based on the information provided to the Planning Board, Melvin Szymanski made a motion to recommend conditional approval of the preliminary plat review to the Town Board with the following conditions: 1. Concerns with lots #1, 2, 38, 39, 63, 64, & 69 - Division lines need to be readdressed and consider deeding encumbered portions to the Town. 2. Further information needed from New York State Dept of Conservation and the developer to mitigate the situation regarding Henslow's Sparrows. 3. Lots encroaching into wetlands and floodplains to be staked at lot lines with markers. 4. Plan to be returned to Planning Board before final submission to Town Board. Motion seconded by John Gober and duly carried by a vote of 5 ayes and one nay.

**SKETCH PLAN REVIEW-PLEASANT HEIGHTS SUBDIVISION, PROJECT NO. 3358, PLEASANT VIEW DRIVE, 8 LOTS FOR SINGLE-FAMILY DWELLINGS. CONTACT PERSON ROBERT REGTENTINE OF LANDESIGN SURVEYORS & ENGINEERS.**

Chair Keysa told the Planning Board that William Bosse had put an addition on his house about 10 years ago, but has not done any other business with him since then.

William Bosse, owner, presented to the Planning Board the sketch plan for 8 lots for single-family homes on Pleasant View Drive. The sketch plan did not include a drainage plan. The Planning Board told Mr. Bosse that a drainage plan must be provided, and it must meet stormwater regulations since the parcel is more than one acre. The sketch plan must show turnarounds in all the driveways because they are on Pleasant View Drive. There must also be a provision for sidewalks.

**DETERMINATION**

Based on the information presented, the Planning Board asked Mr. Burke to address the concerns mentioned and bring a more detailed sketch plan for the next Planning Board Meeting on March 19, 2003.

SITE PLAN REVIEW - TRY-IT DISTRIBUTING COMPANY, 4155 WALDEN AVENUE, PROJ. NO. 2059. IMPROVEMENTS TO EXISTING FACILITY (PARKING AREA) AND PROPOSING A NEW 3-SIDED METAL BUILDING 3,000 SQ. FT. CONTACT PERSON WILLIAM CONRAD.

Douglas Scheid, Principal, Scheid Architectural and Robert Kolas presented to the Planning Board the site plan for the proposed improvements to the existing facility. The plan shows increasing the parking area and constructing an internal lane along Walden Avenue. The plan also shows an additional parking area on the east side of the building for deliveries. The proposed 3,000 sq. ft. 3-sided metal building will be used for packaging for one of the vendors. Drainage - Mr. Scheid told the Planning Board that based on the design drawing, the existing detention pond should be adequate, but it will be increased. Town Engineer Robert Labenski stated that he is satisfied with the drainage plans.

#### DETERMINATION

Based on the information provided to the Planning Board, Rebecca Anderson made a motion to recommend approval of the site plan for both structures to the Town Board. Motion was seconded by Lawrence Korzeniewski and unanimously carried.

At 9:40 Rebecca Anderson made a motion to adjourn the meeting; seconded by Michael Myszka and unanimously carried.